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# THE UPPER BURMA HEADMAN'S MANUAL



*FOURTH EDITION*

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# THE UPPER BURMA HEADMAN'S MANUAL.

## CHAPTER I.

### APPOINTMENT AND PRIVILEGES OF HEADMEN.

1. The Headman is appointed by the Deputy Commissioner, and receives an appointment order under the Deputy Commissioner's signature. The area under him, which includes the lands belonging to the village or villages under his control, is known as a village-tract. The Deputy Commissioner will inform the Headman as to the limits of his village-tract if there is any doubt.

Sections 4  
(8) and 5  
(1) and (2),  
Village  
Act.

2. Headmen are entitled to attend Durbars held in their Districts by the Lieutenant-Governor.

Paragraph  
28, Village  
Manual.

3. Headmen do not receive fixed salaries. When they collect the revenue of the village-tract or a fine inflicted on the residents of the village-tract under the Village Act, or charges imposed on the village-tract on account of the cost of punitive police quartered therein, they receive a commission on the amount collected. They are not entitled to pension.

Para-  
graphs  
53, 151  
and 184,  
Village  
Manual.

4. Any remuneration received by a Headman is not liable to attachment by a Civil Court and cannot be assigned by the Headman to any one else.

Section 45  
(1) and (2),  
Village  
Act.

5. Lands are in certain cases allotted revenue-free to Headmen as *thugyisa* in virtue of their office when their ordinary emoluments are considered insufficient or it is desired to improve their status. Except for special reasons the area of *thugyisa* land granted to one Headman may not exceed 25 acres. Alienations of *thugyisa* land by mortgage or sale are not permissible.

Land Rev-  
enue Dir-  
ections  
42-49 and  
51-56.

6. Every Headman is entitled to carry a silver-mounted *da*, and selected Headmen are also entitled to have a red umbrella carried before them as the insignia of their office. Only Headmen selected by the Deputy Commissioner will be entitled to the latter distinction. In making the selection, the Deputy Commissioner will include all Headmen who are distinguished for their loyalty. Any Headman who is guilty of misconduct will be removed from the list of those entitled to the higher distinction.

Para-  
graphs  
51 and 52,  
Village  
Manual.

7. In appointing a new Headman, special weight is attached to hereditary claims.

Paragraph  
8, Village  
Manual.

8. In all Municipal and Government schools the sons or male heirs of Headmen who are too poor to pay fees are

Paragraph  
86, Village  
Manual.



admitted as free scholars ; and in vernacular aided schools in such cases the fees are paid by the Deputy Commissioner. Cadets of Headmen's families may be exempted by the Deputy Commissioner from payment of fees at Government Survey Schools.

Para-  
graph  
24—26,  
Village  
Manual.

9. If a village-tract includes more than one village, the Headman may, subject to the approval of the Deputy Commissioner, appoint for each village a person to be his agent. This person shall be called *ywagaung*. The *ywagaung* has not the powers of a Headman. He is subordinate to the Headman, and is bound to perform all the duties imposed on the villagers under the Village Act and to assist the Headman in the execution of his public duties.

Para-  
graph 18,  
Village  
Manual.

10. A *Myothugyi* controls Headmen in his jurisdiction and is responsible for their good conduct. They are subordinate to him and bound to obey his lawful orders.

## CHAPTER II.

### GENERAL DUTIES AND LIABILITIES OF HEADMEN.

Paragraph  
27, Village  
Manual.

II. The Headman is personally responsible for the performance of the duties imposed on him, and must reside within his village-tract.

Section 7,  
Village  
Act.

12. The Headman must without delay communicate information to the nearest Magistrate, or to the officer in charge of the nearest police-station, whichever is the nearer,—

- (a) if any notorious receiver or vendor of stolen property lives in or comes to stay for a time in his village-tract ;
- (b) if any person known or suspected to be a dacoit, robber, escaped convict or proclaimed offender passes through or comes to the village-tract ;
- (c) if any one commits or attempts or intends to commit—
  - (1) homicide,
  - (2) dacoity,
  - (3) robbery,
  - (4) an offence against the Arms Act,
  - (5) any other offence which the Deputy Commissioner may order the Headman to report ;
- (d) if any sudden, unnatural, or suspicious death occurs in the village-tract, and

- (e) regarding any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the Deputy Commissioner may direct him to communicate information.

**13.** The Headman must enquire into any of the above-mentioned offences committed in his village-tract, and must search for and arrest any person whom he has reason to believe to have been concerned in the commission or attempted commission of any of those offences.

Section 8  
(1) (a), (b)  
and (c),  
Village  
Act.

He must try to recover any property taken by robbers or dacoits.

He must arrest any person lurking in the village-tract who cannot give a satisfactory account of himself.

**14.** He may search for and arrest—

(1) any person known or believed to be concerned in an offence for which a police-officer may arrest without warrant ;

(2) any person having in his possession without excuse an implement of house-breaking ;

(3) any proclaimed offender ;

(4) any person in possession of stolen property and suspected of having come by it unlawfully ;

(5) any person who obstructs a police-officer in the execution of his duty ;

(6) any escaped prisoner or deserter from the Army or Navy.

Rule 11a  
General  
Depart-  
ment  
Notifica-  
tion No.  
450, dated  
the 9th  
December  
1908.

He may also arrest any person who commits an offence punishable under section 510 of the Indian Penal Code (Misconduct in public by a drunken person).

Section 8  
(8), Vil-  
lage Act.

**15.** He must without delay send to the nearest police-station any one whom he has arrested and any weapon or other article required as evidence. He should inform the beat constable of all serious offences.

Section 8  
(1) (d), Vil-  
lage Act.

**16.** Whenever a person's name is entered in the Police Surveillance Register, the officer in charge of the police-station will communicate full particulars to the Headman of the village-tract in which the person resides for the time being. When such person leaves his home, it is the duty of the Headman concerned to inform any police-officer visiting the village-tract of the departure of such person, and his alleged destination, if known.

Paragraph  
182A, Vil-  
lage  
Manual.

**17.** If the Headman hears of the advent of a suspicious stranger in his village-tract, it is his duty to question the person regarding his antecedents and residence and to report

to any police-officer visiting the village-tract all the information obtained by him.

Section 8  
13(h) and  
m), Vil-  
lage Act.

**18.** The Headman must supply any local information required by a Magistrate or police-officer.

He must assist all Government officers in the execution of their duties.

Section 8  
13(e) and  
n), Vil-  
lage Act.

**19.** The Headman must resist any unlawful attack on any village within his village-tract, and he must take such measures and execute such works for the protection of the village or villages in his village-tract as the Deputy Commissioner may direct.

**20.** Where a village is fenced, the headman should see that the fence is of good height and depth and properly strengthened by poles and cross-poles, and that the gates are kept in good repair. He should see that "kins" are kept nightly, that the young men practise billet-throwing, and that the residents of the village-tract know what they have to do in case of an attack. He should provide himself with a gong which can be heard all over the village.

Section 8  
13(f), Vil-  
lage Act.

**21.** The Headman must keep open communications between the village or villages within his tract and adjacent villages or towns in such way as the Deputy Commissioner may direct.

Section 8  
13(g), Vil-  
lage Act; para-  
graph 66,  
Village  
Manual.

**22.** He must collect and furnish, upon receipt of payment in advance at rates fixed by the Deputy Commissioner, guides, food, carriage, and means of transport for troops or police posted in or near or marching through his village-tract, or for any Government servant travelling on duty, or, if so ordered by the Deputy Commissioner, for any traveller.

Payment should be obtained on the form in counterfoil prescribed for the purpose: the foil should be given to the person making payment who should sign the counterfoil.

The Headman is not bound to collect supplies beyond the limits of his village-tract. Nor is he bound to furnish carriage or means of transport for more than twelve hours' journey from the village-tract unless ordered by the Deputy Commissioner in the public interest, in which case the Deputy Commissioner will fix higher rates of payment than the rates of payment for journeys of twelve hours or less.

He must not call out for personal service people who are not of the labouring class or who are not accustomed to the work required.

Section 8  
13(h), Vil-  
lage Act.

**23.** If so directed by a Magistrate or by an Embankment Officer, or by any person authorized by such officer, he must furnish labourers for making or repairing roads, embankments, or other public works.

24. The Headman is bound, when required, to give information to Military Officers in command of posts or of parties or columns or travelling on duty.

Rule 5 in General Department Notification No. 454, dated the 9th December 1908.

25. He is also bound to report to the nearest Civil Officer the establishment of any catch-boiling camp in or near his village-tract.

Rule 6 in General Department Notification No. 454, dated the 9th December 1908, Section 10, Village Act.

26. Any Headman who neglects his duties or abuses his powers may be fined up to Rs. 50, or suspended for not more than six months, or removed or dismissed, by the Deputy Commissioner.

27. A Headman may absent himself from his village-tract on his private business for a period not exceeding seven days on his own responsibility. He should leave a suitable person in general charge of the village-tract during his absence, but this substitute has no legal powers and cannot be held legally responsible in the same way as a Headman.

Paragraphs 37—40, Village Manual.

28. For leave of absence for more than seven days and not exceeding one month the Headman should obtain the sanction of the Township Officer, who will arrange for the general charge of the village-tract during the Headman's absence.

29. Leave of absence for more than one month may be granted only by the Deputy Commissioner.

30. Ordinarily, except when a temporary substitute is formally appointed, a Headman shall not be absent from his village-tract during a revenue-collecting season unless his revenue has been collected and fully paid in.

### CHAPTER III.

#### CRIMINAL AND CIVIL POWERS OF HEADMEN.

##### *Criminal Powers of all Headmen.*

31. The Headman may try persons who commit any of the following offences in his village-tract, if a complaint is made to him within eight days after the offence has been committed :—

Section 9 (1) and (2), Village Act.

- (a) assault ;
- (b) theft of property worth not more than Rs. 5 ;

- (c) mischief where the damage caused does not exceed Rs. 5 ;
- (d) criminal trespass ;
- (e) insult calculated to provoke breaches of the peace (section 504, Indian Penal Code) ; and
- (f) doing obscene acts or singing, reciting or uttering obscene songs, ballads or words in a public place (section 294, Indian Penal Code) ;
- (g) misconduct in public by a drunken person (section 510, Indian Penal Code).

General Department Notification No. 148, dated the 9th December 1908.

See also paragraph 121.

Section 9 (3) and (9), Village Act.

32. If the Headman convicts the accused, he may fine him any sum not exceeding Rs. 5, or, in cases of theft or mischief, not exceeding twice the value of the stolen property or the amount of the damage ; or he may confine him for not more than 24 hours, or he may both fine and imprison him to the above extent.

The Headman may take and keep a fee of one rupee from the complainant in each case.

### *Powers and Procedure of Headmen with Special Criminal Powers.*

Section 9 (4), Village Act.

33. A Headman specially empowered by the Commissioner may, on complaint, also try cases of theft or mischief when the value of the property stolen or the amount of the damage exceeds Rs. 5 but does not exceed Rs. 50. In such cases he may fine the accused, if convicted, not more than Rs. 50 or confine him for not more than 15 days ; or he may both fine and confine him to the above extent.

Section 9 (9), Village Act.

A Headman specially empowered as above may take and keep a fee of Rs. 2 from the complainant in each such case.

Section 9 (5), Village Act.

34. At every trial before a Headman both the complainant and accused must be present.

Section 174, Indian Penal Code.

If the accused intentionally omits to attend when summoned by the Headman, or goes away before it is lawful for him to depart, the Headman may lay a complaint against him before the Township Magistrate.

Section 9 (8), Village Act.

35. The Headman may pay the whole or any part of the fine to the complainant as compensation.

Rule 3 in General Department Notification No. 454, dated the 9th December 1908.

The Headman must give a written receipt for all fines paid to him.

36. If the complainant and accused agree, they may compound a case at any time before the Headman has decided it.

Section 9,  
(8) and  
(10), Village Act.

If the accused is convicted, he must repay to the complainant the fee paid to the Headman, besides paying any fine that may be imposed.

If the accused, after conviction, does not pay the fine, the Headman should report the fact to the Township Officer and ask him to issue a warrant.

37. The Headman must enter particulars of every case which he tries in a register supplied for the purpose by the Deputy Commissioner.

Rule 2 in  
General  
Department Notifi-  
cation  
No. 454,  
dated the  
9th Dec-  
ember  
1908.

38. The place where persons ordered to be confined by the Headman are to be kept is prescribed by the Deputy Commissioner.

Section 9  
(3) and  
(4), Village Act.

In remote villages and for all sentences for 24 hours or less the Headman's house or other suitable building is the place of confinement. But when a sentence exceeding 24 hours is passed and there is a jail or police-station within a day's journey of the village, it will generally be convenient that the jail or police-station should be used. In such cases the Headman should use the form of warrant prescribed for the purpose, of which copies will be supplied to him by the Deputy Commissioner.

Para-  
graphs 171  
and 172,  
Village  
Manual.

Women and juvenile offenders must in all cases be confined in a house in the village in which the Headman resides, and must not be sent for confinement in a jail or police-station.

39. Fines imposed, unless paid away in compensation, must be paid to the Township Officer, who will give a receipt for them. All receipts given by the Township Officer must be pasted into the last page of the Headman's Register of Cases referred to in paragraph 37.

Paragraph  
191, Village  
Manual.

### *Powers and Procedure of Headmen empowered to try Civil Suits.*

40. A Headman specially empowered by the Commissioner may try civil cases, provided that the plaintiff and the defendant or, if there are more than one plaintiff or more than one defendant, all the plaintiffs and all the defendants live within

Section 6,  
(1), Village Act.

his village-tract. The value of the suit must not exceed Rs. 20. The classes of cases which he may try will be intimated to the Headman. They are usually suits for—

- (i) money or moveable property ;
- (ii) matrimonial suits ;
- (iii) suits for damages on account of actionable wrongs.

Section 8  
(a), Vil-  
lage Act.

41. A fee is paid to the Headman on institution at the following rate :—

			Rs.	A.	P.
If the value of the suit is Rs. 10 or less	...		1	0	0
If the value of the suit is more than Rs. 10, and not more than Rs. 15	...	...	1	8	0
If the value of the suit is more than Rs. 15	...		2	0	0
If the suit is a matrimonial suit or otherwise not capable of valuation	...	...	2	0	0

No other fees must be paid except the execution fee under paragraph 49.

General  
Depart-  
ment  
Notifica-  
tion  
No. 453,  
dated the  
9th De-  
cember  
1908.

42. The plaintiff may begin his suit either by making an oral complaint, to be reduced to writing by or under the orders of the Headman, or by presentation of a written plaint.

43. On the institution of a suit the Headman shall cause to be served on the defendant a written notice specifying the name of the plaintiff, the nature of the claim, and the time and place at which the suit will be tried, and directing the defendant, if he wishes to dispute the claim, to appear with his witnesses at the time and place fixed. He shall also inform the plaintiff of the date so fixed.

44. At the time and place fixed the Headman shall proceed to hear and try the case. He shall examine the parties and their witnesses and deliver judgment.

45. The Headman shall record, or cause to be recorded, the names of the witnesses and the substance of their evidence and a brief statement of the grounds of his order.

46. The Headman may adjourn the case from time to time, noting the dates of adjournment on the record, either to obtain the attendance of further witnesses or for any other reasonable cause.

47. The Headman shall decide whether the unsuccessful party shall pay the costs of the other party or not. He may award as costs any reasonable charges incurred by the successful party for the purposes of the suit, provided that the total

costs, including the fee prescribed by section 6, sub-section (4) of the Act, shall in no case exceed one-quarter of the value of the suit.

48. If the plaintiff does not appear at the time and place fixed, the Headman shall dismiss the suit, unless for any reasonable cause he thinks proper to adjourn it. Similarly, if the defendant fails to appear, the Headman shall proceed with the trial in his absence, unless for some special reason he thinks better to adjourn. In the former case, if his decision is in favour of the plaintiff, a copy of it shall be served upon the defendant, and if the latter within ten days appears before the Headman and proves that he was unable to attend, the Headman shall hold a fresh trial, provided that the cost of the second trial shall in all cases be borne by the defendant, whatever the result. A suit dismissed on account of the non-appearance of the plaintiff may similarly be reopened within ten days on sufficient cause shown.

49. If the unsuccessful party neglects or refuses to pay the amount awarded within ten days, the Headman may, on the application of the other party, serve the unsuccessful party with a notice, directing him to pay to the Headman the amount, with one rupee additional as a fee, within five days. If the debtor still neglects to pay, the Headman shall, after the expiry of the five days, attach and sell by public auction so much of the debtor's moveable property as is sufficient to defray the amount awarded together with the fee. The Headman shall, out of the proceeds of the property, pay the amount awarded to the successful party; the balance, after deducting the fee of one rupee, shall be returned to the judgment-debtor. The Headman shall record a brief note of any action taken by him under this rule and shall file it with the record of the suit.

50. If the judgment-debtor has removed to another village-tract, the Headman shall inform the Headman of the debtor's new village-tract by writing to him and sending the notice above-mentioned, and the second Headman shall then proceed to recover the amount as if he had passed the order himself; the only difference being that he will pay the amount awarded to the first Headman instead of to the successful party.

51. The Headman shall be entitled to retain all fees for execution of judgments as well as all fees levied under section 6, sub-section (4) of the Act.

52. The Headman shall keep an account of all fees in the form prescribed for the purpose.

53. This account, together with the records of all suits tried by the Headman during the month under section 6, shall,



provided that the judgment has been satisfied, be sent to the Township Officer not later than the 20th of the following month—Provided that in the case of any particular Headman, the Deputy Commissioner may direct that the account and records shall be submitted quarterly instead of monthly.

54. Whenever, after the institution of a suit before him, it appears to the Headman that the decision of the case involves a difficult question of law, it shall be competent for him to stay proceedings, to refund the institution fee, and to recommend the plaintiff to file a suit in a Civil Court.

55. The decision of a Headman in a Civil suit is subject to revision by the Township Officer.

General  
Depart-  
ment  
Notifica-  
tion No.  
149, dated  
the 14th  
July 1908.

## CHAPTER IV.

### GENERAL DUTIES AND LIABILITIES OF THE RESIDENTS OF A VILLAGE-TRACT.

Section 11  
(a) and (b),  
Village  
Act.

56. Every person residing in a village-tract is bound to communicate to the Headman any information which he may obtain respecting the commission of, or attempt or intention to commit, within the village-tract, any of the following offences, namely :—

- (a) homicide ;
- (b) dacoity ;
- (c) robbery ;
- (d) an offence against the Arms Act ;
- (e) any other offence which the Deputy Commissioner may order the Headman to report.

He is also bound to resist any unlawful attack made upon any village within the village-tract.

Section 11  
(e), Vil-  
lage Act.

57. He must take such measures as may be prescribed for—

- (i) the registration of births, deaths and vital statistics, see Chapter VI below ;
- (ii) the prevention of public nuisances, see Chapter V below ;
- (iii) the cure or prevention of the spreading of any contagious or infectious disease among human beings

and domestic animals of any kind, see Chapter VII below ;

(iv) the prevention and extinction of fires, see Chapter V below ;

(v) the general sanitation of the village-tract, see Chapter V below ; and

(vi) the regulation of the slaughter of cattle, see Chapter V below.

**58.** He is bound, on the requisition of the Headman, to assist him in the execution of his public duties. Section 11 (d), Village Act.

**59.** When employed under the orders of the Headman in watching his village at night, he is allowed to go armed with a spear. Paragraph 180, Village Manual.

**60.** Any person residing in a village-tract who, without reasonable excuse, refuses or neglects to perform the public duties imposed on him, or to assist the Headman in his public duties when so required, is liable, by order of the Headman, to a fine not exceeding Rs. 5, or to confinement for a term not exceeding 24 hours, or both these penalties. If the Headman thinks this punishment insufficient, he may complain to a Magistrate in order that heavier punishment may be inflicted. Section 12, Village Act.

**61.** The Deputy Commissioner may fine the residents of a village-tract— Sections 13, 14 and 22 (b), Village Act.

(a) if they assist, harbour, or fail to take all reasonable means to prevent the escape of any criminal ;

(b) if they suppress or combine to suppress evidence in a criminal case ;

(c) if they do not restore stolen property tracked to their village-tract or take on the track beyond their limits ;

(d) if any person is dangerously or fatally wounded unlawfully, or if the body of any person unlawfully killed is found in the village-tract, unless the residents can show that they could not prevent the offence or arrest the offender or that they have done their best to bring the offender to justice.

In any of the above cases, instead of fining the village-tract, the Lieutenant-Governor may increase the *thathameda* or land revenue.

Paragraph  
119, Village  
Manual.

62. The law as regards stolen property tracked to a village-tract is based on the following passage from the Manukye Dhammathat (Volume IV, section 3) :—

" 3rd. *The law by which the district to which the foot-marks of stolen cattle are traced shall be caused to make good the loss.*

" Oh king I if any one's horses, buffaloes, or oxen be stolen, and the foot-marks are really traced to any district, that district may be sued ; if the fact be not ascertained, or there be no foot-marks, there shall be no claim against the district. Wise men must note this. If horses, buffaloes, or oxen be lost, and the owner shall trace their foot-marks into any village, the people of the village and the thugyi, that they may be free from blame, ought to go with him and point out the place where the foot-marks leave the village. If they do not show the place by which they left the village, they should be caused to replace them."

Paragraph  
120 (a),  
Village  
Manual.

63. It is the duty of the Headman and the residents of any village-tract from which cattle are stolen to follow up the track at once. The Headman should at the same time send prompt notice to the nearest police-station and the police should join the trackers without delay.

Paragraph  
120 (b),  
Village  
Manual.

64. It is the duty of the Headman and the residents of any village-tract to which the tracks of stolen cattle are traced to take up the track and endeavour to carry it beyond the limits of their village-tract.

Paragraph  
120 (c),  
Village  
Manual.

65. When the Township Officer enquires into a case in which cattle are tracked to a village-tract, the residents will be given an opportunity of making their defence through the elders and of showing cause why they should not be fined.

Para-  
graphs  
117, 120 (g)  
and (h)  
and 121,  
Village  
Manual.

66. When a fine has been levied, the residents may get the whole or part of it back if they succeed in recovering the cattle or in tracing the thieves.

Compensation is ordinarily given to the owner of the stolen cattle, but generally not more than half the value of the cattle is paid. The limitation is to make people careful and encourage them to try to find their cattle and trace thieves. If compensation has once been paid it will in no case be taken back.

The above rules apply to other kinds of property as well as cattle.

Section  
21, Village  
Act, and  
General  
Depart-  
ment  
Notifica-  
tion No.  
449, dated  
the 9th  
December  
1908.

67. No person may hold a *pwè* in a village-tract without the permission of the Deputy Commissioner or an officer appointed for this purpose by the Deputy Commissioner.

*Pwès* include theatrical or dramatic performances, and cart, pony, boat and similar races held for public entertainment, and, except in certain Townships which have been specially notified, *payapwès*, *pôngyibyangs* and circuses.

## CHAPTER V.

PUBLIC NUISANCES AND SANITATION ; PREVENTION OF  
FIRES ; SLAUGHTER OF CATTLE.*Duties of the Residents and the Headman of a Village-tract  
in respect of Public Nuisances and Sanitation.*

68. No person residing in a village-tract shall allow any house or land occupied by him to be kept in a filthy or insanitary condition, or overgrown with weeds or rank vegetation.

69. No person residing in a village-tract shall allow any corpse of a human being, unless embalmed or enclosed in an airtight coffin, to be kept unburied or uncremated for more than 48 hours in any house or land occupied by him without the special sanction in each case of the Deputy Commissioner, Civil Surgeon, Subdivisional Officer or Township Officer. Between the first day of November and last day of February inclusive, corpses may be kept unburied or uncremated for 72 hours.

General  
Depart-  
ment  
Notifica-  
tion No.  
451, dated  
the 9th  
December  
1908.

70. No person residing in a village-tract shall bury a corpse or cause a corpse to be buried at a depth of less than 5 feet, or within 30 yards of any well, tank or stream, or of any dwelling-house. No person residing in a village-tract shall throw a corpse or cause it to be thrown into a river, creek or water of any kind.

71. Except with the permission of the Headman, no person residing in a village-tract shall burn or bury or deposit the corpse of a human being in or at any place other than a burial-ground set apart by the Headman.

72. No person residing in a village-tract shall allow any latrine or cess-pit on any house, enclosure or land occupied by him to be kept in a filthy or insanitary condition. Cess-pits shall be closed periodically.

73. No person residing in a village-tract shall build any new house in any village-tract within 20 feet of the front or back or 6 feet of the side of any existing house.

74. The Headman shall require residents of the village-tract to carry out the provisions of the preceding rules.

75. The Headman shall set apart one or more places in each village-tract as burial grounds.

76. The Headman shall cause to be removed immediately from any canal, tank or other source of water-supply within

the limits of his village-tract the dead body of any animal found therein, and shall cause the same to be buried.

77. The Headman shall set apart in each village under his control one or more wells for drinking purposes, and shall cause to be constructed round each well a parapet 2 feet high, and shall not allow bathing or washing of clothes within 20 yards of any such well, and shall not allow the ground within 20 yards of such well to be defiled by filth, rubbish or otherwise. If the water-supply is from tanks, the Headman shall reserve one tank for drinking purposes only, shall keep clean the banks thereof, and shall not allow bathing, washing of clothes or watering of cattle therein.

78. The Headman shall cause the villagers to undertake annually such measures for the maintenance of and the removal of silt from all drinking-water tanks in his village-tract which are not the property of private individuals as the Deputy Commissioner may, on the advice, if necessary, of the Executive Engineer, direct.

79. In the case of villages which are situated near the bank of a river or stream, the Headman shall, as far as possible, keep the foreshore free from houses up to a distance of 40 feet from the bank. He shall require all houses hereafter built or rebuilt to face the bank of the river or stream, and shall not allow latrines to be erected between the houses and the bank of the river or stream.

80. The Headman shall see that all latrines in each village under his control are screened by a sufficient roof and wall from the view of passers-by or persons residing in the neighbourhood.

81. The Headman shall cause the streets and lanes in each village under his control to be kept free from weeds, in good order, and in a sanitary condition.

82. The Headman shall mark out a place near but outside each village under his control, where rubbish may be deposited, and shall cause the rubbish to be burnt or worked into the land at ploughing time.

*Duties of the Residents and the Headman of a Village-tract in respect of the Prevention of Fires.*

83. Each house-owner or occupier in a village shall maintain two hooked bamboos, two fire-beaters, and as many pots filled with water as there are front posts of his house.

84. The Headman shall see that fires or lights are not ignited, handled, or used in any village under his control in

such a manner as to be dangerous to life or property. In really serious cases, or where a fire results from careless action on the part of any of the villagers, he shall send a report of the matter to the nearest Magistrate or police-officer.

*Duties of the Residents of a Village-tract in respect of the Slaughter of Cattle.*

85. In these rules, the term "cattle" includes sheep, goats and swine, as well as horned cattle.

86. The Deputy Commissioner may provide a slaughter-house in any village-tract for the slaughter of all or any specified kinds of cattle, and may grant a lease for such slaughter-house in the form prescribed for the purpose.

87. The lessee shall post up a notice in the prescribed form in a conspicuous place outside the slaughter-house, in such language or languages as are likely to be understood by persons bringing cattle for slaughter.

88. When a slaughter-house for all or any kinds of cattle has been provided for any village-tract under paragraph 86 or has been provided under the Burma Municipal Act, 1898, for a Municipal or notified area under that Act no person residing in a village-tract shall within a radius of five miles from the slaughter-house, without the special sanction of the Deputy Commissioner or Subdivisional Officer, slaughter such cattle or cause such cattle to be slaughtered otherwise than at the slaughter-house: and no person residing in a village-tract shall sell or expose for sale the flesh of any cattle slaughtered in contravention of the provisions of this rule.

89. Unless the Deputy Commissioner otherwise directs, all animals intended for slaughter at a slaughter-house shall be exposed for at least four days in the pound or bazaar named in the notice mentioned in paragraph 87. After that period they shall be brought before the Sub-Assistant Surgeon or Sub-Inspector of Police named in the notice for examination between the hours of 8 and 12 a.m. If passed, they shall be slaughtered the same day between the hours of 3 and 6 p.m. and the hides of the animals shall be exposed at the slaughter-house until 6 p.m. of the following day.

90. Before cattle are slaughtered in a slaughter-house the prescribed fee shall be paid or tendered to the lessee, and the person bringing the cattle shall inform the lessee of his name and residence and of the name and residence of the owner of the cattle.

General  
Depart-  
ment  
Notifica-  
tion No.  
327, dated  
the 1st  
November  
1911.

91. The lessee is required to keep up a register of slaughtered animals in the prescribed form and to show it, on demand, to the headman of the village-tract in which the slaughter-house lies.

## CHAPTER VI.

### REGISTRATION OF BIRTHS AND DEATHS OF HUMAN BEINGS.

#### *Duties of the Headman and the Residents of a Village-tract in respect of the Registration of Births and Deaths of Human Beings.*

General  
Depart-  
ment Noti-  
fication  
No. 487,  
dated the  
9th De-  
cember  
1908.

92. Every birth and death occurring in the village-tract shall be reported to the Headman by the owner of the house in which it occurs, or if the owner is absent or unable to report, then by the eldest adult male living in the house, or if such eldest male is unable to report, then by the eldest adult female living in the house.

93. The Headman shall make it generally known that any person being bound to report a birth or death and neglecting to do so is liable to punishment under section 12 of the Act.

94. On the occurrence of a birth within his village-tract the Headman shall record it, or cause it to be recorded, in a counterfoil register to be maintained by him in the form supplied by the Deputy Commissioner.

95. On the occurrence of a death within his village-tract the Headman shall record it, or cause it to be recorded, in a counterfoil register to be maintained by him in the form supplied by the Deputy Commissioner.

#### *Disposal of Registration Records.*

96. The Headman shall keep the foils on which entries have been made till they are collected by the officer appointed for this purpose, unless by general or special order of the Deputy Commissioner he is directed to send the foils to an officer appointed by the Deputy Commissioner, in which case he shall obey such order; the Headman shall retain the books containing the counterfoils as part of the village records.

97. When, for any reason, the Headman is obliged to leave his village for some time, he shall deposit the foils already collected with a village elder or some other responsible person,

and shall make the necessary arrangements to ensure the foils being safely delivered to the police if they should call during his absence.

98. Each counterfoil register issued for the Headman's use will bear a serial number given in the Township Office. The Headman will enter this number on the face of each foil filled in by him.

Paragraph  
69, Village  
Manual.

99. Every village is visited at least once a month by a police-officer, who receives and takes away all foils on which births and deaths have been recorded since his last visit. The police-officer enters the date of his visit and the numbers of the birth and death foils taken away in a book kept for the purpose together with his name and rank.

Para-  
graphs 84  
and 86,  
Village  
Manual.

100. The counterfoil registers of births and deaths shall be kept by Headmen for one year after the date of the entry on the last page, and may then be destroyed.

Paragraph  
84, Village  
Manual.

101. The Headman must produce his registers for inspection when required to do so by any Government officer. But he will not be required to produce his registers elsewhere than in his village-tract.

Para-  
graphs 71  
and 72,  
Village  
Manual.

## CHAPTER VII.

### CONTAGIOUS OR INFECTIOUS DISEASES.

#### *Contagious or Infectious Disease among Human Beings.*

102. No person residing in a village-tract shall keep the corpse of a human being who has died of cholera, small-pox, unusual fever accompanied by glandular swellings, or other infectious or contagious disease, for more than six hours unburied or uncremated in any house or land occupied by him.

Rule 17 to  
General  
Depart-  
ment  
Notifica-  
tion No.  
451, dated  
the 9th  
December  
1908,  
Rule 18A,  
*ibid*.

103. The Headman shall at once send a report to the Township Officer, or to the Subdivisional Officer or to the Deputy Commissioner, if either of the two latter officers is nearer than the Township Officer, of the occurrence of cholera, small-pox or any case of unusual fever accompanied by glandular swellings within his village-tract.

104. The Headman of a village-tract which is not infected with cholera, small-pox or plague may forbid and take all reasonable means to prevent the entrance into his village-tract of any person (other than a Government Officer on duty) who comes from an area infected with cholera, small-pox or plague for a period of ten days from the date on which he left the infected area.

General  
Depart-  
ment  
Notifica-  
tion No.  
16, dated  
the 7th  
January  
1910, and  
No. 159,  
dated the  
8th May  
1909.



General  
Depart-  
ment  
Notifi-  
cation No.  
68, dated  
the 26th  
January  
1918.

**105.** If any person comes from an area infected with cholera or small-pox into the village-tract in spite of a prohibition by the Headman under paragraph 104, the Headman may take all reasonable means to expect him.

**106.** If any person suffering from cholera or small-pox be found within a village-tract, the Headman may require him to remove to and remain within certain specified limits within the tract until he recovers.

**107.** Headmen of village-tracts infected with plague have special duties imposed on them by the plague rules, and should not fail to obtain copies of those rules from the Township Officer.

*Contagious or Infectious Disease among Cattle.*

Revenue  
Depart-  
ment  
Notifica-  
tion No.  
90, dated  
the 9th  
December  
1908.

**108.** In these rules—

- (1) "Cattle" and "animal" mean kine, buffaloes, sheep and goats, and such other beasts\* as the Commissioner may from time to time declare to be cattle or animals for the purposes of these rules.
- (2) "Contagious or infectious disease" means rinderpest, anthrax, foot-and-mouth disease, contagious pleuro-pneumonia, tuberculosis, glanders, and any other disease† which the Commissioner may from time to time declare to be contagious or infectious for the purposes of these rules.
- (3) "Diseased" means suffering from contagious or infectious disease.
- (4) "Cattle owner" includes any person who has cattle in his possession or under his charge

**109.** All persons resident in a village-tract shall report to the Headman the outbreak of any contagious or infectious disease among cattle in the village-tract or in any neighbouring village-tract which may come to their knowledge.

**110.** Every cattle-owner, on the appearance of any contagious or infectious disease among his cattle, shall (a) keep the diseased cattle in a place apart from all other cattle and distant from the places whither the other cattle usually resort; (b) if the disease be rinderpest, keep all other cattle which have been in the same herd with the diseased animal in a place such as aforesaid; and (c) report the appearance of the disease immediately to the Headman.

\* In the Upper and Lower Chindwin Districts, ponies have been declared to be cattle or animals for the purposes of these rules.

† In the Upper and Lower Chindwin Districts "Hæmorrhagic Septicæmia" has been declared to be a disease for the purposes of these rules.

**III.** Every cattle-owner in the village-tract in which contagious or infectious disease has broken out shall (a) keep his diseased cattle, and, if the disease be rinderpest, his other cattle which have been in the same herd with diseased cattle, in the places set apart for the same by the Headman under Rule 112, unless and until other places are set apart for the purpose by the Deputy Commissioner or other officer appointed by him; and (b) give the Headman such assistance as he may require in enclosing the place or places set apart for diseased cattle.

**112.** A Headman, on learning from the report of a cattle-owner or otherwise of the breaking out of contagious or infectious disease in the village-tract under his charge, shall (1) within 24 hours send a written report of the fact to the Township Officer, or to the Subdivisional Officer or Deputy Commissioner if either of these officers is nearer than the Township Officer; (2) if there is any waste land or grazing-ground in the village-tract, at once set apart therein places for diseased cattle, and, if the disease be rinderpest, places for cattle which have been in the same herd with diseased cattle; (3) cause the place or places so set apart to be enclosed; or (4) if no waste land or grazing-ground is available for an enclosure, state the fact in his report.

**113.** The Headman, after making the report prescribed in Rule 112, and after receiving an order directing an examination of the village cattle, shall cause all cattle-owners in the village-tract to bring their cattle for the inspection of the officer appointed by the Deputy Commissioner, Township Officer or Subdivisional Officer to examine them, to such place as the examining officer may direct. He shall give such officer all reasonable assistance in the inspection. He shall be careful that the diseased cattle are not herded together with the rest of the cattle at the inspection.

**114.** The Headman of any village-tract in which contagious or infectious disease has broken out shall, on receiving orders from the Deputy Commissioner or Subdivisional Officer or Township Officer, set apart for diseased cattle, or, if the disease be rinderpest, for cattle which have been in the same herd with diseased cattle, such places as may be ordered, and shall require every cattle-owner in the village-tract to keep his diseased cattle, and if the disease be rinderpest, his cattle which have been in the same herd with diseased cattle in places so set apart, and not to remove the cattle from these places without his permission, which permission he shall not grant without the written order of the Deputy Commissioner or an officer authorized by the Deputy Commissioner.

**115.** The Headman of any village-tract in which contagious or infectious disease has broken out shall, on receiving orders from the Deputy Commissioner, Subdivisional Officer or Township Officer, require the cattle owners in the village-tract to make at their own expense such sheds, enclosures, or other structures as are ordered for the proper isolation of diseased cattle.

**116.** In any village-tract in which contagious or infectious disease has broken out, the Headman shall cause all dung, hay, straw, litter, refuse, or other thing which has been, or which may have been, in contact with a diseased animal, to be burnt by the cattle-owner.

**117.** If a diseased animal dies in any village-tract in which contagious or infectious disease has broken out, the Headman shall order the owner of the dead animal to bury the carcass within 12 hours after death at, or as near as possible to, the spot where the animal died, but at a distance of not less than 300 yards from any houses, cattle-pens, and customary watering places and at a depth below the surface of not less than 6 feet. The carcass shall be buried with the hide and horns, and after the carcass has been put into the ground the hide shall be slashed so as to render it unfit for tanning or any other use. But if by reason of flood or for any other cause it is not possible to bury the carcass, it shall be burnt.

**118.** The Headman shall from time to time proclaim in the village-tract that any cattle-owner or other person being bound to report the outbreak of contagious or infectious disease or death of cattle who neglects to do so or who disobeys the order of the Headman under any of the foregoing rules is liable to punishment under section 12 of the Act.

**119.** As soon as the existence of contagious cattle-disease is reported or suspected, either in his village-tract, in neighbouring village-tracts or grazing-grounds or amongst strange cattle passing through or near his charge, the Headman shall cause notices proclaiming the fact to be affixed to trees on the roads or grazing-grounds, *zayats*, etc., or such other public places as he thinks fit.

## CHAPTER VIII.

### RESIDENCE IN VILLAGE-TRACTS ; ERECTION OF HOUSES.

#### *Residence in Village-tracts.*

**120.** If a stranger comes to a village-tract, either he himself or the person in whose house he stays must report his name,

occupation, and the place whence he comes to the Headman, within twelve hours of his arrival. The person in whose house the stranger stays must report his departure to the Headman. If the Deputy Commissioner orders him to do so, the Headman must keep in a book, which will be supplied to him, a list of all strangers arriving at and leaving his village-tract.

121. Any person who disobeys the rules in paragraph 120 is punishable by a Magistrate. If no prosecution is instituted before a Magistrate, the Headman may, within eight days of the commission of the offence, take cognizance of it whether upon receipt of information that it has been committed or upon his own knowledge or suspicion. The procedure will be the same as that laid down in paragraph 32, except that there will be no fee. The punishment the Headman may inflict is the same as that prescribed in paragraph 32.

Section  
18, Village  
Act.

### *Erection of Houses.*

122. A person who is not a resident of a village-tract may not build any house, hut or enclosure, or take up his residence, in the village-tract without the Headman's permission. If he does so, he is punishable by a Magistrate but not by the Headman.

Sections  
17 and 19,  
Village  
Act.

123. No person may, without the permission of the Deputy Commissioner, establish a new village or group of houses, and no person may ordinarily build or occupy a house on land which is not within a village until it has been appropriated to dwelling places with the permission of the Deputy Commissioner.

Section 18,  
Village  
Act.

## CHAPTER IX.

### DUTIES OF HEADMEN CONCERNING LAND WITHIN THE VILLAGE-TRACT.

#### *Supervision of Public Lands.*

124. The Headman shall examine all the boundary marks of regularly notified grazing-grounds in his village-tract once a year after the monsoon, and report their condition to the Township Officer at the same time as he submits his report regarding permanent survey-marks under paragraph 134. When a grazing ground is situated in several village-tracts, a section of the boundary line will be allotted to each Headman by the Subdivisional Officer. If during the year the Headman finds that any

Land Revenue  
Division  
Section 98.

one has encroached and will not give up the land when called upon to do so he should at once report the case to the Township Officer.

**125.** The Headman shall periodically inspect the lines of public roads and embankments in his village-tract in order to see that no encroachments are made on them by cultivators or others. If the Headman finds that any one has encroached and will not give up the land when called upon to do so, he should at once report the case to the Township Officer.

### *Postings and Publications of Notices.*

**126.** The Headman shall, when required, affix to his house, or to the notice-board of the village-tract where there is one, such notices as the Deputy Commissioner may issue and should draw the attention of the villagers to each new notice as it is posted and explain its purport to them.

**127.** The Headman is required to sign the report of the Revenue Surveyor or District Surveyor on the condition of the land for which a grant is required, and should add any remarks he wishes to make.

**128.** The Headman shall, when ordered by the Township Officer, affix notices calling for objections to a grant of land on the land itself and on his own house, and in case there are any detached villages or hamlets under his charge, on the *Ywagaung's* houses in such villages or hamlets. He shall return to the Township Officer one copy of any such notice with an endorsement showing how and when it was affixed.

### *Survey, Settlement and Land Records Work.*

Para. 107,  
Village  
Manual.

**129.** Headmen are neither required nor permitted to survey the lands in their village-tracts.

**130.** When Settlement operations are in progress Headmen are required to furnish settlement officials with all available information about lands and crops in their village-tract. They are also required to collect villagers for the reaping of selected fields and for general settlement enquiries. Headmen have also to see that cultivators accompany the Settlement officials over the *kwin's* when lands are being classified or other field work is being done.

**131.** The Headman is in no way subordinate to the Revenue Surveyor but he is bound to assist the Revenue Surveyor by causing the residents of his village-tract to attend

upon the surveyor during the time the latter is preparing or checking the map or revenue-roll of his village-tract. After the surveyor has collected materials for the assessment roll and before he leaves the village, the Headman will assemble the cultivators and will see that the Surveyor reads out and explains the entries in his Register.

**132.** The Headman shall cause the residents of his village-tract to attend when Revenue Officers come round to check survey work.

**133.** The Headman is required to protect all permanent boundary marks and survey marks. On completion of survey the Boundary or Survey Officer points out on the ground to the Headman, the position of every permanent boundary or survey mark within the village-tract and delivers to the Headman a map and statement showing the number, kind and position of the marks. After the Headman has satisfied himself that every mark specified in the statement has actually been laid down he shall sign and return one copy of the statement.

**134.** The Headman shall inspect each permanent boundary and survey mark within the village-tract once a year, in November or December, and shall report its condition to the Township Officer in the following form.

LANDS RECORDS 29.

*Headman's Report on permanent survey marks in his charge.*

November  
December 19

.....Township

.....Charge

.....Headman's Name

.....Residence

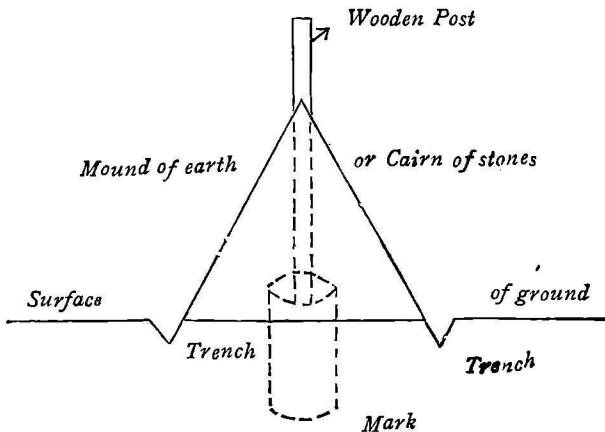
Number of permanent survey marks in the Headman's custody ..	..	*
Number of marks inspected as required by rule ...	..	
Number of marks protected and in good condition ...	...	
Number of marks lost, broken or unprotected ...	... ..	
Position of marks lost, broken or unprotected† ...	... ..	†

\* To be filled in by Superintendent of Land Records before issue of form.

† Enter in the blank space below a description of the marks *e.g.*, mark in Maung Ni's paddy land not found. Mark on the west of Maung Pyu's garden is broken. Mark in the jungle to the south of the village is unprotected.

**135.** The Headman shall, so far as he lawfully can, prevent the destruction of any boundary or survey mark in his village-tract, and whenever he becomes aware that any such boundary or survey mark has been destroyed, injured, or altered, shall report the injury or alteration immediately to the officer in charge of the nearest police-station or to the nearest Magistrate.

**136.** The Headman shall cause all permanent survey-marks in the village-tract to be protected by having mounds of earth or cairns of stones built over them. The mounds of earth or cairns of stones should be 3 or 4 feet high and have a wooden stake, 4 or 5 feet in length, passing through the centre of the mound or cairn. A trench should be dug round the bottom of the mound, thus—



The Headman shall cause these mounds or cairns to be built by the residents of the village-tract who cultivate the fields in the vicinity of the mark to be protected, or, in the case of marks situated away from cultivation, by such of the residents as he may choose.

When previously erected mounds are found to be damaged they must be renewed without delay. If procurable, a few small thorny branches should be placed over every mound to prevent damage by cattle.

**137.** The Headman shall every year prepare a return of the agricultural stock in his village-tract. The Headman will count the stock on the 15th waning of *Tabaung*. He will record the figures in forms furnished by the Land Records Officials who will collect the forms when the statements have been completed.

## CHAPTER X.

## COLLECTION OF REVENUE.

**138.** Every Headman is bound to collect or aid in collecting revenue and other money due to Government from residents of the village-tract and persons holding land therein. Revenue collections should not be kept in the Headman's possession any longer than can be helped. Section 6  
(1) (2),  
Village  
Act.

**139.** The Headman shall, when required to do so by the Deputy Commissioner, enquire into and report upon the damage to crops in respect of which remission of revenue is applied for.

**140.** The Headman shall, when required to do so, make arrangements for cutting and threshing the crop on any land and for weighing the grain with a view to estimating the capabilities of the soil.

**141.** The Headman collects the Land Revenue and *thathameda* and receives commission at rates fixed by the Financial Commissioner. In some village-tracts the Headman also collects the irrigation rate and gets commission thereon.

*Land Revenue.*

**142.** The Headman collects all land-revenue and fruit-tree assessments due from his village-tract. He will receive tax-receipts in Form L. R. III—U. B. Receipt 4 from the Deputy Commissioner's office, and when he has not prepared the assessment-roll himself he will also receive a list of the persons from whom revenue is due and the amount due from each, and will be informed of the date on which the revenue is to be paid to the Township Officer.

**143.** The Headman will proceed to collect the amount due from each person according to the above list, and on payment by any person of the amount due by him the Headman will fill in and give to him a receipt in Form L. R. III—U. B. Receipt 4.

**144.** In village-tracts where the revenue on land or toddy trees is a fixed sum for the whole *kwin* or village the Headman and *thamadis* are required to distribute the revenue amongst the villagers and collect the amount due. They will distribute the demand so that each person contributes a share of the whole corresponding to the profits made by that person during the year from the land or trees assessed.

The Headman will prepare an assessment roll showing the names of the persons assessed and the amounts paid.



**145.** When any person has failed to pay the revenue due by him on or before the date fixed for the payment of such revenue, the Headman shall at once report to the Township Officer the name of the person from whom the revenue is due and the amount and kind of revenue due.

**146.** If a defaulter afterwards pays the revenue due from him together with the costs in the case, the Headman shall at once inform the Township Officer of the payment and shall set at liberty the defaulter, if he has been arrested..

### *Thathameda.*

**147.** Every year, on or before such date as the Deputy Commissioner may fix, the Headman shall prepare a list of all the households in his village-tract in Form L. R. I—U. B. Misc. Roll 2, and shall submit the list to the Township Officer.

After the list has been checked by the Township Officer and Subdivisional Officer it will be submitted to the Deputy Commissioner, and will then be returned to the Headman, who will be informed by the Deputy Commissioner of the total amount due from the village-tract.

**148.** The Headman and *thamadis* shall thereupon fix the amount payable by each household. The Headman shall enter the amount against each household in column 7 (b) of Form L. R. I—U. B. Misc. Roll 2, and shall also publish in the village-tract a list showing the amount due by each person.

**149.** When this list has been published, the Headman shall proceed to collect the amount due from each household, and shall give a receipt in Form L. R. III—U. B. Receipt 1 on payment by any person of the amount due from him. The Headman shall also enter the payment in column 8 of Form L. R. I—U. B. Misc. Roll 2.

**150.** The Headman will be informed by the Township Officer of the date on or before which the *thathameda* must be paid, and when any person has failed to pay before that date the Headman shall report to the Township Officer as directed in paragraph 145. If the defaulter afterwards pays the *thathameda* and costs, the Headman will inform the Township Officer as in the case of land revenue (paragraph 146).

### *Salt Revenue.*

**151.** The Headman collects instalments of Salt composition duty as they fall due.

*Fishery Revenue.*

**152.** The Headman must submit to the Township Officer or other officer authorized to issue licenses for fish-catching implements, before September in each year, a list of persons who have applied to him for licenses to use such implements. The Headman will later on hand over the licenses to, and receive the proper fees from, the applicants.

*Minerals.*

**153.** If a Headman is required to collect fees for licenses to work minerals, he will be informed by the Township Officer of the amounts due and the persons from whom the fees are to be collected. On receipt of the fees the Headman shall enter the amount received and date of payment on the back of the license and pay the amount collected into the Sub-treasury. He shall report to the Township Officer the names of persons whom he believes to be extracting or about to extract without a license, during the course of the year, minerals for which licenses are necessary.

## CHAPTER XI.

## EXCISE AND OPIUM.

**154.** All Headmen are Excise Officers. Those whose remuneration is not less than Rs. 120 a year exercise enlarged powers. Each Headman should have an appointment order as Excise Officer, showing whether he exercises these enlarged powers or not. The duties of Headmen under the Excise and Opium Acts are described below.

**155.** Headmen are empowered to enter and inspect at any time, by day or by night, the shop or premises in which any manufacturer or vendor licensed under the Excise Act carries on the manufacture or the sale of country spirits or the sale of country fermented liquor or intoxicating drugs.

**156.** Headmen may stop and detain any person carrying any spirit manufactured at an unlicensed distillery; or any spirit or fermented liquor removed from any licensed distillery without payment of duty; or any spirit or fermented liquor manufactured at any place beyond the limits of British India on which duty has not been paid; or any country spirits in

excess of one reputed quart bottle, or any country fermented liquor or *tari* in excess of four reputed quart bottles, unless such person produces a pass signed by the Collector, Sub-divisional Officer, or Township Officer ; or any opium or morphia in excess of the weight allowed by law \*; or any opium or morphia which the person possessing it has bought from any person other than a licensed vendor ; or any cocaine which the person possessing it has not bought under a medical prescription from a licensed vendor ; or any ganja or other intoxicating drug†; and may seize such smuggled spirit, liquor, *tari*, opium, or drug, together with any vessels, packages or covering in which it is contained, and any animals and conveyances used in carrying it, and may arrest the persons in whose possession such spirit, liquor, *tari*, opium, or drug is found ; and may also arrest any other persons in the company of the person in whose possession illicit opium is found.

157. If any Headman has reason to believe from personal knowledge or from information given by any person, and taken down in writing, that opium is manufactured, or that illicit opium is kept or concealed in any building, vessel, or enclosed place, he may, without a warrant, between sunrise and sunset, enter into any such building, vessel, or place, and may, in case of resistance, break open any door and remove any obstacle to such entry, and seize any such opium and all materials used in the manufacture thereof, and any other thing which he has reason to believe to be liable to confiscation under any law in force relating to opium, and detain and search and, if he thinks proper, arrest any person whom he has reason to believe to be guilty of any offence relating to such opium.

158. Searches for unlawfully manufactured or concealed spirituous and fermented liquors and intoxicating drugs † liable to confiscation under the Excise Act may, in like manner, be made by any Headman whose annual remuneration is not less than Rs. 120, upon information given by any person and taken down in writing that spirit or fermented liquor is unlawfully manufactured or concealed in any house, vessel, or enclosed place, and the Headman may arrest the occupant or other persons concerned in the manufacture or keeping or concealing of such spirit or fermented liquor, and may seize and carry away such spirit, liquor, or other article liable to confiscation under the Excise Act. All searches under this rule must be made in the presence of an officer of police in receipt of a monthly salary of at least Rs. 10.

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\* See paragraph 162.

† Yeast (*seldm*) used in making *seinyè* or rice-beer is not an intoxicating drug.

**159.** Before making any search for illicit opium, the Headman shall call on two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search. The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they were respectively found shall be prepared by the Headman and signed by such witnesses; but no person witnessing a search under this rule shall be required to attend the Court as a witness of the search unless specially summoned by the Court.

The occupant of the place searched, or some person on his behalf, shall be permitted to attend during the search, and a copy of the list prepared under this rule, signed by the said witness, shall be delivered to such occupant or person at his request.

**160.** All Police and Revenue officers are required to aid Headmen in the due execution of their duties under the Excise and Opium Acts upon request made by Headmen.

**161.** Whenever a Headman arrests any person, or seizes any article liable to confiscation, or enters any place for the purpose of searching for such article, he shall (within 48 hours in opium cases or 24 hours in liquor cases) make a full report of all the particulars of such arrest, seizure or search to the Township Officer. In opium cases, the Headman shall forward every person arrested and everything seized without delay to the officer in charge of the nearest police-station. In liquor cases the Headman shall forward every person arrested and everything seized without delay to the Township Officer or shall take them to the officer in charge of the nearest police-station and request him to forward them to the Township Officer.

**162.** The rule about possession of opium and morphia is as follows :—

Any person may possess, if bought from a licensed doctor, and if intended for medicine only, not more than five seers of poppyheads, three tolas of opium, five grains avoirdupois of morphia or six tolas of a medical preparation of opium other than morphia. Any non-Burman or (in Lower Burma) any registered Burman may possess for his own consumption three tolas of opium which he has bought from the licensed retail vendor at the shop shown on his consumer's ticket.

A holder of a pass for transport or import may possess up to the quantity of opium shown in the pass.

A traveller of distinction from the Shan States or Karenni or a country outside of India may possess Shan or foreign but

not Government opium for the personal use of himself and his attendants and not for sale or barter in any quantity not exceeding five tolas for each person according to the order of the Deputy Commissioner.

A holder of a special license granted by the Deputy Commissioner may possess opium up to the quantity shewn in the special license.

Pharmacists, doctors, and tattooers have special privileges. They are required to have licenses in which their privileges are specified.

**163.** In certain tracts the cultivation of the poppy is permitted, and there are special rules about possession of poppy-heads and opium.

## CHAPTER XII.

### FAMINE AND SCARCITY.

**164.** The following are the rules about the duties of Headmen in times of scarcity and famine.

**165.** When serious failure of crops or of food supply impends, the Headman shall make an immediate report to the Township Officer. This report should specially notice the general condition of the people and the existence of any abnormal distress or mortality.

**166.** When a District or part of a District has been declared to be affected by scarcity, and orders to take action under the Famine Code have been issued, Headmen as a rule will be appointed "local officers" of the village-tracts (hereinafter called "local area") under their charge, and will receive printed appointment orders.

**167.** The duties of a Headman appointed "local officer" are as follows:—

- (a) to prepare a correct register of persons residing in the local area who, from their circumstances, are likely to require gratuitous relief, and to submit this register to the Township Officer or other Circle Inspector appointed by the Deputy Commissioner;
- (b) to prepare and submit through the Circle Inspector weekly a list of the number of persons by sex and age who have died during the week within the local area, and to state in each case whether death has resulted from ordinary natural causes or directly or indirectly from want or poverty of food;

- (c) to distribute personally within the local area in his charge gratuitous relief under the orders and control of the Circle Inspector ;
- (d) to give sufficient food and shelter to all starving wanderers who come within the local area under his charge, and to send them to the nearest relief work when they or any of them are fit to be moved ;
- (e) to report to the Circle Inspector the name of every person whose name has been entered in the register prepared under (a), and who from any cause has become disentitled to receive gratuitous relief.

**168.** When a Headman is not himself appointed a "local officer," he shall assist the person so appointed for the local area in which his village-tract is situated in all the matters dealt with in (a) to (e) above.

## CHAPTER XIII.

### BOOKS, ETC., TO BE KEPT BY HEADMEN.

**169.** The Headman must keep the following books and documents which will be supplied to him by the Deputy Commissioner :—

- (1) Appointment Order as Headman.
- (2) Appointment Order as Excise Officer.
- (3) The Upper Burma Headman's Manual.
- (4) Abridgment of the Laws relating to Stamps.
- (5) Villagers' Memorandum of Forest Law.
- (6) Register of Cases.
- (7) Register of Births.
- (8) Rules for resisting attack on villages, if prescribed.
- (9) Register of Deaths.
- (10) Register of Police Officers' Visits.
- (11) Books of Receipts for stores supplied to officers on tour.
- (12) Register of Strangers' Visits, if prescribed.
- (13) Registers of Transfers.
- (14) File of Deputy Commissioner's Orders.

Besides the books and documents numbered 1—14, Headmen who are empowered to try civil suits must keep the following register :—

- (15) Account of Fees in Civil Suits.

Paragraph  
194, Village  
manual.

**170.** A Headman is also required to keep in his custody a duplicate of the Vaccinator's Register. The Headman is responsible for the safe custody of the register, and will produce it when asked for by the vaccinator or inspecting officer visiting the village-tract, but will not be required to perform any duties in connection with the register and is not allowed to make any entries in it.

Deputy Commissioners may supply, free of charge, copies of the Upper Burma Land Revenue Manual to the better educated Headmen who wish for copies.